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**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED  
 5/25/23 3:57 pm  
 CLERK  
 U.S. BANKRUPTCY  
 COURT - WDPA

In re:	:	Case No.:	22-10434-GLT
	:	Chapter:	13
Keith A. Pierce	:		
	:		
	:	Date:	5/25/2023
Debtor(s).	:	Time:	02:00

**PROCEEDING MEMO**

**MATTER:** Oral Argument:  
 # 62- Objection to Claim of PNC Bank NA. At claim number 6.  
 # 64 - Objection to Claim of PNC Bank NA at claim number 8

**APPEARANCES:**  
 Debtor: Stephen H. Hutzelman  
 PNC Bank: Courtney Helbling

**NOTES:** [2:00]

Helbling: Agrees that there is a four year statute of limitations under applicable law.

Hutzelman: Nothing to suggest that a payment was made in the last four years, but unclear exactly when last payment is.

Helbling: In a greement generally, has no information to the contrary.

Hutzelman: Need consummation of a confirmed plan constitutes acknowledgement, not just confirmation alone. Significance of the plan being confirmed is undone by dismissal of the case. Statements made are a so undone.

Court: Questions if that is accurate. If Debtor took action that acknowledges the debt (made a plan payment, confirmed a plan), is that not significant?

Helbling: PNC argues that by sending hardship application, Debtor acknowledged both of the claims. Relies most on Exhibits 1 and 2 in Dkt No. 86. Acknowledgment can be inferred by action. Do not need to expressly promise to repay. Seeking short sale of the property suggests intent to repay the debt.

Court: Preliminary observations - agrees that the acknowledgement must be relatively clear. This is a Pennsylvania issue, so only really persuaded by Pennsylvania law. Implicit in seeking loan modification, there is some acknowledgment of debts, but unsure if that is sufficient. The specific filings and statements made in 19-10970 make the real difference. Confirmed plan acknowledgment is within the four year window.

**OUTCOME:**

1) For the reasons stated on the record the *Objection to Claim* [Dkt. No. 62] and the *Objection to Claim* [Dkt. No. 64] are taken under advisement. [Taken under advisement].

2) To the extent Debtor's counsel would like the Court to consider additional case law cited during the May 25, 2023 hearing, Debtor's counsel shall file a short supplement of authorities by 5 p.m. on May 26, 2023. [Text order].

**DATED:** 5/25/2023